

REMARKS

Claims 31-39 and 42-50 are now pending and stand rejected. Applicants are submitting a Request for Continued Consideration (RCE) with this Preliminary Amendment. By this Preliminary Amendment, Applicants have amended the claims and demonstrate reasons why the claims pending here are distinct from the asserted art. In particular, Applicants have amended claims 36 and 47. In view of the amendments and the arguments below, Applicants respectfully request the Examiner to reconsider all the outstanding rejections and to withdraw them.

102 Rejections

In section 3 of the Office Action, claims 31-39 and 42-50 were rejected under 35 U.S.C. 5 102(e) as being anticipated by Park (U.S. Patent No. 6,937,588). The Applicants respectfully submit that Park fails to anticipate the rejected claims for at least the reasons that are indicated below.

At the outset, Applicants respectfully submit that the criteria for a rejection under 35 U.S.C. § 102 as anticipated by a prior printed publication is firmly established. Specifically, each and every component of a claim in question must be met by the applied printed publication. For a claim to be anticipated by a single reference under 35 U.S.C. Section 102, that reference must on its own satisfy each and every recitation in that claim. *Upsher-Smith Laboratories, Inc. v. PamLab, L.L.C.*, 412 F.3d 1319, 1323-24 (Fed. Cir. 2005); *Dayco Prods., Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 1368-69 (Fed. Cir. 2003); *Elan Pharmaceuticals, Inc. v. Mayo Foundation for Medical Education and Research*, 346 F.3d 1051, 1054 (Fed. Cir. 2003); *Rosco, Inc. v. Mirror Lite Co.*, 120 Fed. Appx. 832, 836 (Fed. Cir. 2005); *Animatics Corp. v. Quicksilver Controls, Inc.*, 102 Fed. Appx. 659, 670-71 (Fed. Cir. 2004).

Claims 36 and 47 each recite a combination including, among other elements, "a third server in communication with the first server and with the second server and the third server being a source for the content requested by the handheld computer and the third server receiving the request from the second server and delivering the content back to the second server," which is not identically disclosed by Park. Specifically, Park does not disclose "a third server in communication with the first server and with the second server," where the third server is the "source for the content requested by the handheld computer."

Park discloses a system where a relay server is used to communicate between a wireless access protocol (WAP) terminal and a WAP server. Col. 9, lines 50-53.

An existing mobile communications business company just provides a communications channel between the mobile communications network and the Internet as a relay, and thus it is not shown in FIG. 2B.

The WAP server may request content from a web server based on a request received from the WAP terminal via the relay server. See below, at col. 9, line 66 to col. 10, line 2.

In the second embodiment, the WAP server 230b converts a WAP service s request (received via the relay) into a web service request used in the Internet and transmits the web service request to the web server 250.

Park does not disclose that the web server (i.e., the source for the content) is in communication with both the WAP server and the relay: "the relay performs only a simple relay function of intermediating communications between the WAP terminal 210b and the WAP server 230b." See below, at col. 9, lines 57-60.

According to the second embodiment, the relay performs only a simple relay function of intermediating communications between the WAP terminal 210b and the WAP server 230b at a layer below a WDP layer, as in the first embodiment.

Therefore, Park fails to disclose at least one element in each of claims 36 and 47. The Examiner indicates that the Applicants argue in substance that Park does not disclose that the third server is in communication with the first and second server, however, the Examiner asserts that Park does disclose that the first server is, at the very least, intermediately connected and in communication with the third server. Furthermore, no format conversion is needed because the content is already in WML (see e.g., Figs 2a-2c, col. 8, 13-33 and col. 10, lines 30-35). Furthermore, the Examiner indicates that although the servers are in communication, the claims as currently presented, do not utilize the connection in any way. As positively claimed, the first

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server merely retrieves content from the second server and not the third. Therefore, the Examiner finds that Park still meets the scope of the limitations as currently claimed. Applicants respectfully submit that the claims recite limitations that are not met by Park. The claims expressly require format conversion, which must be met to render the claims as anticipated. The claims are amended to utilize the connection. Furthermore, the third server is the source of the content and therefore, provides the content.

Accordingly, the Applicants submit that claims 36 and 47 (amended) are not anticipated by Park, and respectfully request that the rejection of independent claims 36 and 47, and corresponding dependent claims 31-35, 37-39, 42-46, and 48-50, should be withdrawn.

Applicants respectfully request the Examiner to reconsider the rejections based on the legal reasoning and case law cited here as well as the amendments to the independent claims and distinctions that are pointed out with respect to the asserted art.

In the event any issues remain for the Examiner to resolve, the Examiner is invited to telephone the undersigned representative if an interview may expedite allowance of this application.

Respectfully submitted,

BERRY & ASSOCIATES P.C.

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